



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 13, 2023

The motion is granted in part and denied in part. The Government shall move for a protective order no later than November 15, 2023. The Defense shall have until 5 P.M. on November 17, 2023 to file a response. The Government shall produce search warrant materials on the earlier of one business day after the Court enters a protective order or two days after the appointment of new defense counsel.

DATE: November 14, 2023

BY ECF

The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: ***United States v. Tyriek Skyfield, 23 Cr. 569 (LJL)***

Dear Judge Liman:

The Government respectfully requests a brief extension of time, to two days after new defense counsel is appointed in this matter—scheduled for Wednesday, November 15, 2023—to produce the two search warrants and underlying affidavits discoverable pursuant to Federal Rule of Criminal Procedure 16 in this case (the “Search Warrant Materials”), so that the Government may promptly negotiate with new counsel a proposed protective order governing such production.

By way of background, on November 9, 2023, the Court directed the Government to produce the Search Warrant Materials, the defendant’s post-arrest statements, and any waiver of rights, to the defense by today, November 13, 2023. On November 10, 2023, the Government sent defense counsel a proposed protective order to govern this initial Rule 16 production and future productions. This evening, defense counsel advised the Government that he did not wish to enter into a protective order governing Rule 16 discovery, in light of the imminent appointment of new counsel. While the Government is producing video footage of the defendant’s post-arrest interview¹ without a protective order in place in an effort to comply with the Court’s order, the Government intends to designate the Search Warrant Materials, which contain more sensitive information than the post-arrest interview, as “Disclosure Material” that will be governed by a future protective order.

SO ORDERED.

LEWIS J. LIMAN
United States District Judge

¹ As to the waiver of rights, the defendant waived his rights orally in his post-arrest interview, as recorded in the video footage being produced tonight, but was not asked to sign a written waiver.

Accordingly, the Government requests a brief extension of time to enable the Government to produce the Search Warrant Materials to the defense as soon as practicable after new defense counsel is appointed and the parties agree on the terms of a proposed protective order.

Respectfully submitted,

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Cc: David Stern, Esq. (by ECF)